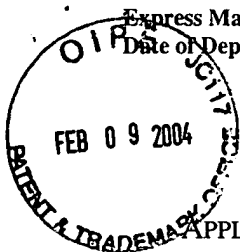


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Date of Deposit: February 9, 2004

Attorney Docket No.: 20363-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Korsmeyer, et al.  
SERIAL NUMBER: 10/658,028 EXAMINER : Not Yet Assigned  
FILING DATE: September 9, 2003 ART UNIT : 1646  
FOR: BH3 PEPTIDES AND METHOD OF USE THEREOF

Mail Stop IDS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (2 pages), in duplicate;
3. Copies of Cited References: C1-37; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20363-021.

A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

*[Signature]* **Re No 48223**  
501

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Cynthia A. Kozakiewicz, Reg. No. 42,764  
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Date: February 9, 2004

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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.


By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Korsmeyer, et al.  
U.S.S.N.: 10/658,028

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20363-021.

Respectfully submitted,

 **PG No 48223**  
for

Ivor R. Eirifi, Reg. No. 39,529

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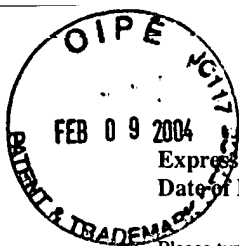
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Attorney Docket No.: 20363-021

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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	10/658,028
	Filing Date	September 9, 2003
	First Named Inventor	Korsmeyer
	Group Art Unit	1646
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	20363-021

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**U.S. PUBLISHED APPLICATION DOCUMENTS**

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Adams, et al., <i>Science</i> , 281(5381):1322-1326 (1998).
	C2	Boyd, et al., <i>Oncogene</i> , 11(9):1921-1928 (1995).
	C3	Cheng, et al., <i>Mol. Cell</i> , 8(3):705-711 (2001).
	C4	Chittenden, et al., <i>EMBO J.</i> , 14(22):5589-5596 (1995).
	C5	Cosulich, et al., <i>Curr. Biol.</i> , 7(12):913-920 (1997).
	C6	Ellerby, et al., <i>Nat. Med.</i> , 5(9):1032-1038 (1999).
	C7	Eskes, et al., <i>Mol. Cell. Biol.</i> , 20(3):929-935 (2000).
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	C9	Gross, et al., <i>EMBO J.</i> , 17(14):3878-3885 (1998).
	C10	Holinger, et al., <i>J. Biol. Chem.</i> , 274(19):13298-13304 (1999).
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	C12	La Vieira, et al., <i>Oncogene</i> , 21(13):1963-1977 (2002).
	C13	Li, et al., <i>Cell</i> , 94(4):491-501 (1998).
	C14	Li, et al., <i>Nature</i> , 412:95-99 (2001).
	C15	Luo, et al., <i>Cell</i> , 94(4):481-490 (1998).
	C16	Lutter, et al., <i>BMC Cell Biology</i> , 2:22 (2001).
	C17	Matsuzaki, K., <i>Biochem. Soc. Transactions</i> , 29:598-601 (2001).
	C18	Narita, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 95:14681-14686 (1998).
	C19	O'Connor, et al., <i>EMBO J.</i> , 17(2):384-395 (1998).



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Page 2 of 2  
Attorney Docket No.: 20363-021

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C20	Oda, et al., <i>Science</i> , 288(5468):1053-1058 (2000).
	C21	Polster, et al., <i>J. Biol. Chem.</i> , 276(41):37887-37894 (2001).
	C22	Putcha, et al., <i>Neuron</i> , 29(3):615-628 (2001).
	C23	Rothbard, et al., <i>Nat. Med.</i> , 6(11):1253-1257 (2000).
	C24	Sattler, et al., <i>Science</i> , 275:983-986 (1997).
	C25	Schimmer, et al., <i>Cell Death and Differentiation</i> , 8(7):725-733 (2001).
	C26	Terradillos, et al., <i>FEBS Lett.</i> , 522(1-3):29-34 (2002).
	C27	Wang, et al., <i>Genes &amp; Development</i> , 10(22):2859-2869 (1996).
	C28	Wang, et al., <i>Cancer Res.</i> , 60:1498-1502 (2000).
	C29	Wei, et al., <i>Genes &amp; Development</i> , 14:2060-2071 (2000).
	C30	Wei, et al., <i>Science</i> , 292(5517):727-730 (2001).
	C31	Westerhoff, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 86(17):6597-6601 (1989).
	C32	Wolter, et al., <i>J. Cell Biol.</i> , 139(5):1281-1292 (1997).
	C33	Yang, et al., <i>Cell</i> , 80(2):285-291 (1995).
	C34	Yang, et al., <i>Methods Enzymol.</i> , 130:208-269 (1986).
	C35	Zha, et al., <i>J. Biol. Chem.</i> , 272(39):24101-24104 (1997).
	C36	Zha, et al., <i>Science</i> , 290(5497):1761-1765 (2000).
	C37	Zong, et al., <i>Genes &amp; Development</i> , 15:1481-1486 (2001).

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.